REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 10-17, and 19-31 are presently pending in this case. Claims 1, 4-6, 10-17, and 19-23 are amended, Claims 9 and 18 are canceled without prejudice or disclaimer, and new Claims 24-31 are added by the present amendment. As amended Claims 1, 4-6, 10-17, and 19-23 and new Claims 24-31 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 4-6, 13-15, and 22 were rejected under 35 U.S.C. section §112, first paragraph and second paragraph; Claims 19-23 were rejected under 35 U.S.C. §101; Claims 1-6, 10-15, and 19-22 were rejected under 35 U.S.C. §102(a) as anticipated by Yuji (Japanese Patent Publication No. 2003-173278); and Claims 7-9, 16-18, and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Yuji in view of Wright, Jr. et al. (U.S. Patent Application Publication No. 20040122873, hereinafter "Wright").

The abstract is amended herewith to place it in conformance with U.S. practice. No new matter is added.

With regard to the rejections of Claims 4-6, 13-15, and 22 under 35 U.S.C. section §112, first paragraph and second paragraph, Claims 4-6, 13-15, and 22 are amended to delete the word "unconditionally." Accordingly, Claims 4-6, 13-15, and 22 are believed to be in compliance with all requirements under 35 U.S.C. section §112, first paragraph and second paragraph.

With regard to the rejection of Claims 19-23 under 35 U.S.C. §101, Claims 19-23 are amended to recite a "computer readable medium," which is an article of manufacture. Accordingly, Claims 19-23 are compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claim 1 as anticipated by Yuji, that rejection is respectfully traversed in light of the addition of the subject matter of Claim 7 to Claim 1. Accordingly, the rejection of Claim 7 as unpatentable over Yuji in view of Wright will be addressed with respect to amended Claim 1.

Amended Claim 1 recites in part:

> data attribution detection means for detecting attribution of storing-target data;
> determination means for determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said data attribution detection means;
> data deletion means for deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination means determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data, and *said data deletion means determines that said deletion-target priority of said data is high to delete said data if attribution of said data shows that said data is content copied from an external storage medium*; and
> data storage means for storing said storing-target data in said storage medium after said data deletion means deletes data having higher said deletion-target priority.

The outstanding Office Action conceded that Yuji does not teach or suggest the above emphasized subject matter and cited paragraph 25 of Wright as describing this feature.[1] Wright describes a method of freeing up computer storage space wherein data has an attribute associated therewith that indicates that the data can be deleted. Paragraph 31 of Wright describes that this attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, a file type, or any other criteria.[2] However, it is respectfully submitted that Wright does not specifically describe that the deletable data attribute is based on *whether or not the data was copied from external storage medium*.

_____

[1] See the outstanding Office Action at page 2, line 16 to page 3, line 4.
[2] See Wright, paragraphs 25 and 31.

In the claimed invention, priority is given to data that was *not* copied from external storage medium, such as broadcast data. This is because data copied from an external storage medium would be easy to replace if deleted, as the user presumably still has the external storage medium that was the source of the data. On the other hand, data such as broadcast data would be difficult to replace if deleted, as a hard copy of the data is not necessarily owned by the user. Thus, the claimed invention gives a high priority of deletion for data copied from an external storage medium. As it is respectfully submitted that Wright does not teach or suggest this feature, it is respectfully submitted that Wright does not teach or suggest "data deletion means" as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-8 dependent therefrom) is patentable over Yuji in view of Wright.

Amended Claims 10 and 19 recite in part:

> deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination step determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data, and if attribution of said data shows that said data was copied from an external storage medium, it is determined that said deletion-target priority of said data is high to delete said data.

As noted above, Wright only describes that a deletable data attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, or a file type. In particular, it is respectfully submitted that Wright does not specifically describe that a deletable data attribute is based on *whether or not the data was copied from external storage medium*. Therefore, it is respectfully submitted that Wright does not teach or suggest "deleting" as defined in amended Claims 10 and 19. Consequently, Claims 10 and 19 (and Claims 11-17 and 20-23 dependent therefrom) are also patentable over Yuji in view of Wright.

14

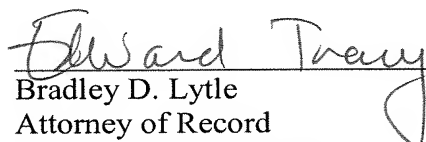New Claims 24-31 are supported at least by original Claims 1-9. New Claim 24 recites in part:

> a data deletion unit configured to delete data having higher deletion-target priority than others from among a plurality of stored data, if said determination unit determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data, and *said data deletion unit is configured to determine that said deletion-target priority of said data is high to delete said data if attribution of said data shows that said data is content copied from an external storage medium.*

Wright only describes that a deletable data attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, or a file type. In particular, it is respectfully submitted that Wright does not specifically describe that a deletable data attribute is based on *whether or not the data was copied from external storage medium.* Thus, it is respectfully submitted that Wright does not teach or suggest "a data deletion unit" as defined in new Claim 24. Consequently, new Claim 24 (and Claims 25-31 dependent therefrom) is patentable over Yuji in view of Wright.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

15